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**SUBSTITUTE AMENDMENT TO MR. BARTON'S**

**AMENDMENT TO SUBTITLE B**

**OFFERED BY Mr. Green**

**(Amendment to Medicaid Reconciliation Provisions)**

Amend subtitle B to read as follows:

1     **Subtitle B—Katrina Health Care**  
2                     **Relief**

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3     **SEC. 3201. DEFINITIONS.**

4         In this subtitle:

5             (1) DIRECT IMPACT PARISH OR COUNTY.—

6                     (A) IN GENERAL.—The term “direct im-  
7             pact parish or county” means a parish in the  
8             State of Louisiana, or a county in the State of  
9             Mississippi or Alabama, for which a major dis-  
10            aster has been declared in accordance with sec-  
11            tion 401 of the Robert T. Stafford Disaster Re-  
12            lief and Emergency Assistance Act (42 U.S.C.  
13            5170) as a result of Hurricane Katrina and  
14            which the President has determined, before

1 September 14, 2005, warrants individual and  
2 public assistance from the Federal Government  
3 under such Act.

4 (B) EXCLUSION.—Such term does not in-  
5 clude a parish in the State of Louisiana or a  
6 county in the State of Mississippi or Alabama  
7 which the President has determined warrants  
8 only public assistance from the Federal Govern-  
9 ment under such Act as a result of Hurricane  
10 Katrina.

11 (C) AUTHORITY TO RELY ON WEBSITE  
12 POSTED DESIGNATIONS.—The Secretary of  
13 Health and Human Services shall post on the  
14 Internet website for the Centers for Medicare &  
15 Medicaid Services a list of parishes and coun-  
16 ties identified as direct impact parishes or coun-  
17 ties in accordance with this paragraph. Any  
18 such parish or county that is posted on such  
19 website as a direct impact parish or county  
20 shall be treated for purposes of subparagraph  
21 (A) as described in such subparagraph.

22 (2) DRM COVERAGE PERIOD.—

23 (A) IN GENERAL.—The term “DRM cov-  
24 erage period” means the period beginning on  
25 August 28, 2005, and, subject to subparagraph

1 (B), ending on the date that is 5 months after  
2 the date of enactment of this Act.

3 (B) PRESIDENTIAL AUTHORITY TO EX-  
4 TEND DRM COVERAGE PERIOD.—

5 (i) IN GENERAL.—The President may  
6 extend the DRM coverage period for an  
7 additional 5 months. Any reference to the  
8 term “DRM coverage period” in this sub-  
9 title shall include any extension under this  
10 clause.

11 (ii) NOTICE TO CONGRESS AND  
12 STATES.—The President shall notify the  
13 Majority and Minority Leaders of the Sen-  
14 ate, the Speaker of the House of Rep-  
15 resentatives, the Minority Leader of the  
16 House of Representatives, the Chairs and  
17 Ranking Members of the Committee on Fi-  
18 nance of the Senate and the Committees  
19 on Energy and Commerce and Ways and  
20 Means of the House of Representatives,  
21 and the States at least 30 days prior to—

22 (I) extending the DRM coverage  
23 period; or

1 (II) if the President determines  
2 not to extend such period, the ending  
3 date described in subparagraph (A).

4 (3) KATRINA SURVIVOR.—

5 (A) IN GENERAL.—The term “Katrina  
6 Survivor” means an individual who is described  
7 in subparagraph (B) or (C).

8 (B) RESIDENTS AND EVACUEES OF DIRECT  
9 IMPACT PARISHES AND COUNTIES.—An indi-  
10 vidual who, on any day during the week pre-  
11 ceding August 28, 2005, had a primary resi-  
12 dence in a direct impact parish or county.

13 (C) INDIVIDUALS WHO LOST EMPLOY-  
14 MENT.—An individual whose—

15 (i) worksite, on any day during the  
16 week preceding August 28, 2005, was lo-  
17 cated in a direct impact parish or county;  
18 and

19 (ii) employment with an employer  
20 which conducted an active trade or busi-  
21 ness on August 28, 2005, in a direct im-  
22 pact parish or county and with respect to  
23 whom such trade or business is inoperable  
24 on any day after August 28, 2005, and be-  
25 fore January 1, 2006, as a result of dam-

1                   age sustained in connection with Hurricane  
2                   Katrina, is terminated.

3                   (D) TREATMENT OF CURRENT MEDICAID  
4                   BENEFICIARIES.—Nothing in this subtitle shall  
5                   be construed as preventing an individual who is  
6                   otherwise entitled to medical assistance under  
7                   title XIX of the Social Security Act from being  
8                   treated as a Katrina Survivor under this sub-  
9                   title.

10                  (E) TREATMENT OF HOMELESS PER-  
11                  SONS.—For purposes of this subtitle, in the  
12                  case of an individual who was homeless on any  
13                  day during the week described in subparagraph  
14                  (B), the individual's "residence" shall be  
15                  deemed to be the place of residence as other-  
16                  wise determined for such an individual under  
17                  title XIX of the Social Security Act.

18                  (4) POVERTY LINE.—The term "poverty line"  
19                  has the meaning given that term in section  
20                  2110(c)(5) of the Social Security Act (42 U.S.C.  
21                  1397jj(c)(5)).

22                  (5) SECRETARY.—The term "Secretary" means  
23                  the Secretary of Health and Human Services.

1           (6) STATE.—The term “State” has the mean-  
2           ing given that term for purposes of title XIX of the  
3           Social Security Act (42 U.S.C 1396 et seq.).

4   **SEC. 3202. DISASTER RELIEF MEDICAID.**

5           (a) AUTHORITY TO PROVIDE DISASTER RELIEF  
6   MEDICAID.—Notwithstanding any provision of title XIX  
7   of the Social Security Act, a State shall, as a condition  
8   of participation in the Medicaid program established  
9   under title XIX of the Social Security Act (42 U.S.C.  
10 1396 et seq.), provide medical assistance to DRM-eligible  
11 Katrina Survivors (as defined in subsection (b)) under a  
12 State medicaid plan established under such title during  
13 the DRM coverage period in accordance with the following  
14 provisions of this section and without submitting an  
15 amendment to the State Medicaid plan. Such assistance  
16 shall be referred to as “DRM assistance”.

17           (b) DRM-ELIGIBLE KATRINA SURVIVOR DE-  
18 FINED.—

19           (1) IN GENERAL.—In this section, the term  
20           “DRM-eligible Katrina Survivor” means a Katrina  
21           Survivor whose family income does not exceed the  
22           higher of—

23                   (A) 100 percent (200 percent, in the case  
24                   of such a Survivor who is a pregnant woman,  
25                   child, or a recipient of disability benefits under

1 section 223 of the Social Security Act) of the  
2 poverty line; or

3 (B) the income eligibility standard which  
4 would apply to the Survivor under the State  
5 Medicaid plan.

6 (2) NO RESOURCES, RESIDENCY, OR CATEGOR-  
7 ICAL ELIGIBILITY REQUIREMENTS.—Eligibility  
8 under paragraph (1) shall be determined without ap-  
9 plication of any resources test, State residency, or  
10 categorical eligibility requirements.

11 (3) INCOME DETERMINATION.—

12 (A) LEAST RESTRICTIVE INCOME METH-  
13 ODOLOGIES.—The State shall use the least re-  
14 strictive methodologies applied under the State  
15 medicaid plan under section 1902(r)(2) of the  
16 Social Security Act (42 U.S.C. 1396a(r)(2)) in  
17 determining income eligibility for Katrina Sur-  
18 vivors under paragraph (1).

19 (B) DISREGARD OF UI BENEFITS.—In de-  
20 termining such income eligibility, the State  
21 shall disregard any amount received under a  
22 law of the United States or of a State which is  
23 in the nature of unemployment compensation by  
24 a Katrina Survivor during the DRM coverage  
25 period.

1           (4) DEFINITION OF CHILD.—For purposes of  
2       paragraph (1), a DRM-eligible Katrina Survivor  
3       shall be determined to be a “child” in accordance  
4       with the definition of “child” under the State Med-  
5       icaid plan.

6       (c) ELIGIBILITY DETERMINATION; NO CONTINU-  
7       ATION OF DRM ASSISTANCE.—

8           (1) STREAMLINED ELIGIBILITY PROCESS.—The  
9       State shall use the following streamlined procedures  
10      in processing applications and determining eligibility  
11      for DRM assistance for DRM-eligible Katrina Sur-  
12      vivors:

13                (A) A common 1-page application form de-  
14      veloped by the Secretary of Health and Human  
15      Services in consultation with the National Asso-  
16      ciation of State Medicaid Directors. Such form  
17      shall—

18                       (i) require an applicant to provide an  
19                       expected address for the duration of the  
20                       DRM coverage period and to agree to up-  
21                       date that information if it changes during  
22                       such period;

23                       (ii) include notice regarding the pen-  
24                       alties for making a fraudulent application  
25                       under subsection (h);



1 (iii) require the applicant to assign to  
2 the State any rights of the applicant (or  
3 any other person who is a DRM-eligible  
4 Katrina Survivor and on whose behalf the  
5 applicant has the legal authority to execute  
6 an assignment of such rights) under any  
7 group health plan or other third-party cov-  
8 erage for health care; and

9 (iv) require the applicant to list any  
10 health insurance coverage which the appli-  
11 cant was enrolled in immediately prior to  
12 submitting such application.

13 (B) Self-attestation by the applicant that  
14 the applicant—

15 (i) is a DRM-eligible Katrina Sur-  
16 vivor; and

17 (ii) if applicable, requires home and  
18 community-based services provided under  
19 such DRM assistance in accordance with  
20 subsection (d)(3).

21 (C) No requirement for documentation evi-  
22 dencing the basis on which the applicant quali-  
23 fies to be a DRM-eligible Katrina Survivor or,  
24 if applicable, requires home and community-  
25 based services.

1           (D) Issuance of a DRM assistance eligi-  
2           bility card to an applicant who completes such  
3           application, including the self-attestation re-  
4           quired under subparagraph (B). Such card shall  
5           be valid as long as the DRM coverage period is  
6           in effect and shall be accompanied by notice of  
7           the termination date for the DRM coverage pe-  
8           riod and, if applicable, notice that such termi-  
9           nation date may be extended. If the President  
10          extends the DRM coverage period, the State  
11          shall notify DRM-eligible Katrina Survivors en-  
12          rolled in DRM assistance of the new termi-  
13          nation date for the DRM coverage period.

14          (E) If an applicant completes the applica-  
15          tion and presents it to a provider or facility  
16          participating in the State medicaid plan that is  
17          qualified to make presumptive eligibility deter-  
18          minations under such plan (which at a min-  
19          imum shall consist of facilities identified in sec-  
20          tion 1902(a)(55) of the Social Security Act (42  
21          U.S.C. 1396a(a)(55)) and it appears to the pro-  
22          vider that the applicant is a DRM-eligible  
23          Katrina Survivor based on the information in  
24          the application, the applicant will be deemed to  
25          be a DRM-eligible Katrina Survivor eligible for

1           DRM assistance in accordance with this section,  
2           subject to subsection (g).

3           (F) Continuous eligibility, without the need  
4           for any redetermination of eligibility, for the  
5           duration of the DRM coverage period.

6           (2) NO CONTINUATION OF DRM ASSISTANCE.—

7           (A) IN GENERAL.—Except as provided in  
8           subparagraphs (B) and (C), no DRM assistance  
9           shall be provided after the end of the DRM cov-  
10          erage period.

11          (B) PRESUMPTIVE ELIGIBILITY.—In the  
12          case of any DRM-eligible Katrina Survivor who  
13          is receiving DRM assistance from a State in ac-  
14          cordance with this section and who, as of the  
15          end of the DRM coverage period, has an appli-  
16          cation pending for medical assistance under the  
17          State medicaid plan for periods beginning after  
18          the end of such period, the State shall provide  
19          such Survivor with a period of presumptive eli-  
20          gibility for medical assistance under the State  
21          Medicaid plan (not to exceed 60 days) until a  
22          determination with respect to the Survivor's ap-  
23          plication has been made.

24          (C) PREGNANT WOMEN.—In the case of a  
25          DRM-eligible Katrina Survivor who is receiving

1           DRM assistance from a State in accordance  
2           with this section and whose pregnancy ended  
3           during the 60-day period prior to the end of the  
4           DRM coverage period, or who is pregnant as of  
5           the end of such period, such Survivor shall con-  
6           tinue to be eligible for DRM assistance after  
7           the end of the DRM coverage period, including  
8           (but not limited to) for all pregnancy-related  
9           and postpartum medical assistance available  
10          under the State Medicaid plan, through the end  
11          of the month in which the 60-day period (begin-  
12          ning on the last day of her pregnancy) ends.

13          (3) TREATMENT OF KATRINA SURVIVORS PRO-  
14          VIDED ASSISTANCE PRIOR TO DATE OF ENACT-  
15          MENT.—Any Katrina Survivor who is provided med-  
16          ical assistance under a State medicaid plan in ac-  
17          cordance with guidance from the Secretary during  
18          the period that begins on August 28, 2005, and ends  
19          on the date of enactment of this Act shall be treated  
20          as a DRM-eligible Katrina Survivor, without the  
21          need to file an additional application, for purposes of  
22          eligibility for DRM assistance under this section.

23          (d) SCOPE OF COVERAGE.—

24               (1) CATEGORICALLY NEEDY BENEFITS.—The  
25          State shall treat a DRM-eligible Katrina Survivor as

1 an individual eligible for medical assistance under  
2 the State plan under title XIX of the Social Security  
3 Act on the basis of section 1902(a)(10)(A)(i) of the  
4 Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)),  
5 with coverage for such assistance retroactive to  
6 items and services furnished on or after August 28,  
7 2005 (or in the case of applications for DRM assist-  
8 ance submitted after January 1 2006, the first day  
9 of the 5th month preceding the date on which such  
10 application is submitted).

11 (2) EXTENDED MENTAL HEALTH AND CARE CO-  
12 ORDINATION BENEFITS.—The State may provide,  
13 without regard to any restrictions on amount, dura-  
14 tion, and scope, comparability, or restrictions other-  
15 wise applicable under the State medicaid plan (other  
16 than restrictions applicable under such plan with re-  
17 spect to services provided in an institution for men-  
18 tal diseases), to DRM-eligible Katrina Survivors ex-  
19 tended mental health and care coordination benefits  
20 which may include the following:

21 (A) Screening, assessment, and diagnostic  
22 services (including specialized assessments for  
23 individuals with cognitive impairments).

24 (B) Coverage for a full range of mental  
25 health medications at the dosages and fre-

1           quencies prescribed by health professionals for  
2           depression, post-traumatic stress disorder, and  
3           other mental disorders.

4           (C) Treatment of alcohol and substance  
5           abuse determined to result from circumstances  
6           related to Hurricane Katrina.

7           (D) Psychotherapy, rehabilitation and  
8           other treatments administered by psychiatrists,  
9           psychologists, or social workers for conditions  
10          exacerbated by, or resulting from, Hurricane  
11          Katrina.

12          (E) In-patient mental health care.

13          (F) Family counseling for families where a  
14          member of the immediate family is a Katrina  
15          Survivor or first responder to Hurricane  
16          Katrina or includes an individual who has died  
17          as a result of Hurricane Katrina.

18          (G) In connection with the provision of  
19          health and long-term care services, arranging  
20          for, (and when necessary, enrollment in waiver  
21          programs or other specialized programs), and  
22          coordination related to, primary and specialty  
23          medical care, which may include personal care  
24          services, durable medical equipment and sup-  
25          plies, assistive technology, and transportation.

1           (3) HOME AND COMMUNITY-BASED SERV-  
2       ICES.—

3           (A) IN GENERAL.—In the case of a State  
4       with a waiver to provide home and community-  
5       based services granted under section 1115 of  
6       the Social Security Act or under subsection (c)  
7       or (d) of section 1915 of such Act, the State  
8       may provide such services to DRM-eligible  
9       Katrina Survivors who self-attest in accordance  
10      with subsection (c)(1)(B)(ii) that they require  
11      immediate home and community-based services  
12      that are available under such waiver without re-  
13      gard to whether the Survivors would require the  
14      level of care provided in a hospital, nursing fa-  
15      cility, or intermediate care facility for the men-  
16      tally retarded, including to DRM-eligible  
17      Katrina Survivors who are individuals described  
18      in subparagraph (B).

19           (B) INDIVIDUALS DESCRIBED.—Individ-  
20      uals described in this subparagraph are individ-  
21      uals who—

22           (i) on any day during the week pre-  
23      ceding August 28, 2005—

24           (I) had been receiving home and  
25      community-based services under a

1 waiver described in subparagraph (A)  
2 in a direct impact parish or county;

3 (II) had been receiving support  
4 services from a primary family care-  
5 giver who, as a result of Hurricane  
6 Katrina, is no longer available to pro-  
7 vide services; or

8 (III) had been receiving personal  
9 care, home health, or rehabilitative  
10 services under the State medicaid plan  
11 or under a waiver granted under sec-  
12 tion 1915 or 1115 of the Social Secu-  
13 rity Act; or

14 (ii) are disabled (as determined under  
15 the State medicaid plan).

16 (C) WAIVER OF RESTRICTIONS.—The Sec-  
17 retary shall waive with respect to the provision  
18 of home and community-based services under  
19 this paragraph any limitations on—

20 (i) the number of individuals who  
21 shall receive home or community-based  
22 services under a waiver described in sub-  
23 paragraph (A);

24 (ii) budget neutrality requirements ap-  
25 plicable to such waiver; and



1 (iii) targeted populations eligible for  
2 services under such waiver.

3 The Secretary may waive other restrictions ap-  
4 plicable under such a waiver, that would pre-  
5 vent a State from providing home and commu-  
6 nity-based services in accordance with this  
7 paragraph.

8 (4) CHILDREN BORN TO PREGNANT WOMEN.—

9 In the case of a child born to a DRM-eligible  
10 Katrina Survivor who is provided DRM assistance  
11 during the DRM coverage period, such child shall be  
12 treated as having been born to a pregnant woman el-  
13 igible for medical assistance under the State med-  
14 icaid plan and shall be eligible for medical assistance  
15 under such plan in accordance with section  
16 1902(e)(4) of the Social Security Act (42 U.S.C.  
17 1396a(e)(4)). The Federal medical assistance per-  
18 centage applicable to the State medicaid plan shall  
19 apply to medical assistance provided to a child under  
20 such plan in accordance with the preceding sentence.

21 (e) TERMINATION OF COVERAGE; ASSISTANCE WITH  
22 APPLYING FOR REGULAR MEDICAID COVERAGE.—

23 (1) NOTICE OF EXPECTED TERMINATION OF  
24 DRM COVERAGE PERIOD.—A State shall provide  
25 DRM-eligible Katrina Survivors who are receiving

1        DRM assistance from the State in accordance with  
2        this section, as of the beginning of the 4th month  
3        (and, if applicable, 9th month) of the DRM coverage  
4        period with—

5                (A) notice of the expected termination date  
6                for DRM assistance for such period;

7                (B) information regarding eligibility for  
8                medical assistance under the State's eligibility  
9                rules otherwise applicable under the State med-  
10                icaid plan; and

11                (C) an application for such assistance and  
12                information regarding where to obtain assist-  
13                ance with completing such application in ac-  
14                cordance with paragraph (2).

15        (2) APPLICATION ASSISTANCE.—A State shall  
16        provide DRM-eligible Katrina Survivors who are re-  
17        ceiving DRM assistance from the State in accord-  
18        ance with this section with assistance in applying for  
19        medical assistance under the State medicaid plan for  
20        periods beginning after the end of the DRM cov-  
21        erage period, at State Medicaid offices and at loca-  
22        tions easily accessible to such Survivors.

23        (3) STATE REPORTS.—A State providing DRM  
24        assistance in accordance with this section shall sub-  
25        mit to the Secretary the following reports:

1 (A) TERMINATION AND TRANSITION AS-  
2 SISTANCE TO REGULAR MEDICAID COVERAGE  
3 FOR DRM-ELIGIBLE KATRINA SURVIVORS ELIGI-  
4 BLE FOR SUCH ASSISTANCE.—A report detail-  
5 ing how the State intends to satisfy the require-  
6 ments of paragraphs (1) and (2).

7 (B) ENROLLMENT.—Reports regarding—  
8 (i) the number of Katrina Survivors  
9 who are determined to be DRM-eligible  
10 Katrina Survivors; and  
11 (ii) the number of DRM-eligible  
12 Katrina Survivors who are determined to  
13 be eligible for, and enrolled in, the State  
14 medicaid plan.

15 (4) SECRETARIAL OVERSIGHT.—The Secretary  
16 of Health and Human Services shall ensure that a  
17 State is complying with the requirements of para-  
18 graphs (1) and (2) and that applications for medical  
19 assistance under the State medicaid plan from  
20 DRM-eligible Katrina Survivors for periods begin-  
21 ning after the end of the DRM coverage period are  
22 processed in a timely and appropriate manner.

23 (5) NO PRIVATE RIGHT OF ACTION AGAINST A  
24 STATE FOR FAILURE TO PROVIDE NOTICE.—No pri-  
25 vate right of action shall be brought against a State

1 for failure to provide the notices required under  
2 paragraph (1) or subsection (c)(1) so long as the  
3 State makes a good faith effort to provide such no-  
4 tices.

5 (f) 100 PERCENT FEDERAL MATCHING PAY-  
6 MENTS.—

7 (1) IN GENERAL.—Notwithstanding section  
8 1905(b) of the Social Security Act (42 U.S.C.  
9 1396d(b), the Federal medical assistance percentage  
10 or the Federal matching rate otherwise applied  
11 under section 1903(a) of such Act (42 U.S.C.  
12 1396b(a)) shall be 100 percent for—

13 (A) providing DRM assistance to DRM-eli-  
14 gible Katrina Survivors during the DRM cov-  
15 erage period in accordance with this section;

16 (B) costs directly attributable to adminis-  
17 trative activities related to the provision of such  
18 DRM assistance, including costs attributable to  
19 obtaining recoveries under subsection (h);

20 (C) costs directly attributable to providing  
21 application assistance in accordance with sub-  
22 section (e)(2); and

23 (D) DRM assistance provided in accord-  
24 ance with subparagraph (B) or (C) of sub-

1           section (c)(2) after the end of the DRM cov-  
2           erage period.

3           (2) DISREGARD OF PAYMENTS.—Payments pro-  
4           vided to a State in accordance with this subsection  
5           shall be disregarded for purposes of applying sub-  
6           sections (f) and (g) of section 1108 of the Social Se-  
7           curity Act (42 U.S.C. 1308).

8           (g) VERIFICATION OF STATUS AS A KATRINA SUR-  
9           VIVOR.—

10           (1) IN GENERAL.—The State shall make a good  
11           faith effort to verify the status of an individual who  
12           is enrolled in the State Medicaid plan as a DRM-eli-  
13           gible Katrina Survivor under the provisions of this  
14           section. Such effort shall not delay the determina-  
15           tion of the eligibility of the Survivor for DRM assist-  
16           ance under this section.

17           (2) EVIDENCE OF VERIFICATION.—A State may  
18           satisfy the verification requirement under subpara-  
19           graph (A) with respect to an individual by showing  
20           that the State providing DRM assistance obtained  
21           information from the Social Security Administration,  
22           the Internal Revenue Service, or the State Medicaid  
23           Agency for the State from which individual is from  
24           (if the individual was not a resident of such State

1 on any day during the week preceding August 28,  
2 2005).

3 (h) PENALTY FOR FRAUDULENT APPLICATIONS.—

4 (1) INDIVIDUAL LIABLE FOR COSTS.—If a  
5 State, as the result of verification activities con-  
6 ducted under subsection (g) or otherwise, determines  
7 after a fair hearing that an individual has knowingly  
8 made a false self-attestation described in subsection  
9 (c)(1)(B), the State may, subject to paragraph (2),  
10 seek recovery from the individual for the full amount  
11 of the cost of DRM assistance provided to the indi-  
12 vidual under this section.

13 (2) EXCEPTION.—The Secretary shall exempt a  
14 State from seeking recovery under paragraph (1) if  
15 the Secretary determines that it would not be cost-  
16 effective for the State to do so.

17 (3) REIMBURSEMENT TO THE FEDERAL GOV-  
18 ERNMENT.—Any amounts recovered by a State in  
19 accordance with this subsection shall be returned to  
20 the Federal government.

21 (i) EXEMPTION FROM ERROR RATE PENALTIES.—  
22 All payments attributable to providing DRM assistance in  
23 accordance with this section shall be disregarded for pur-  
24 poses of section 1903(u) of the Social Security Act (42  
25 U.S.C. 1396b(u)).

1 (j) PROVIDER PAYMENT RATES.—In the case of any  
2 DRM assistance provided in accordance with this section  
3 to a DRM-eligible Katrina Survivor that is covered under  
4 the State medicaid plan (as applied without regard to this  
5 section) the State shall pay a provider of such assistance  
6 the same payment rate as the State would otherwise pay  
7 for the assistance if the assistance were provided under  
8 the State medicaid plan (or, if no such payment rate ap-  
9 plies under the State medicaid plan, the usual and cus-  
10 tomary prevailing rate for the item or service for the com-  
11 munity in which it is provided).

12 (k) APPLICATION TO INDIVIDUALS ELIGIBLE FOR  
13 MEDICAL ASSISTANCE.—Nothing in this section shall be  
14 construed as affecting any rights accorded to an individual  
15 who is a recipient of medical assistance under a State  
16 medicaid plan who is determined to be a DRM-eligible  
17 Katrina Survivor but the provision of DRM assistance to  
18 such individual shall be limited to the provision of such  
19 assistance in accordance with this section.

20 **SEC. 3203. TARGETED MEDICAID RELIEF FOR DIRECT IM-**  
21 **PACT PARISHES AND COUNTIES.**

22 (a) 100 PERCENT FEDERAL MATCHING PAYMENTS  
23 FOR MEDICAL ASSISTANCE PROVIDED IN DIRECT IMPACT  
24 PARISH OR COUNTY.—

1           (1) IN GENERAL.—Notwithstanding section  
2       1905(b) of the Social Security Act (42 U.S.C.  
3       1396d(b)), for items and services furnished during  
4       the period that begins on August 28, 2005, and ends  
5       on December 31, 2006, the Federal medical assist-  
6       ance percentage for providing medical assistance  
7       under a State medicaid plan under title XIX of the  
8       Social Security Act to any individual, including a  
9       Katrina Survivor, residing in a parish of the State  
10      of Louisiana described in subsection (c), or a county  
11      of the State of Mississippi or Alabama described in  
12      that subsection, shall be 100 percent.

13          (2) APPLICATION TO ENHANCED FMAP.—The  
14      100 percent Federal medical assistance percentage  
15      applicable under subsection (a) shall also apply for  
16      purposes of determining the enhanced FMAP (as de-  
17      fined in section 2105(b) of the Social Security Act  
18      (42 U.S.C. 1397ee(b)) for child health assistance  
19      provided under a State child health plan under title  
20      XXI of such Act in such a parish or county during  
21      the period described in such subsection.

22          (b) MORATORIUM ON REDETERMINATIONS.—During  
23      the DRM coverage period, the States of Louisiana, Mis-  
24      sissippi, and Alabama shall not be required to conduct eli-  
25      gibility redeterminations under the State's medicaid plan.



1 (c) PARISH OR COUNTY DESCRIBED.—For purposes  
2 of subsection (a), a parish or county described in this sub-  
3 section is a parish or county for which a major disaster  
4 has been declared in accordance with section 401 of the  
5 Robert T. Stafford Disaster Relief and Emergency Assist-  
6 ance Act (42 U.S.C. 5170) as a result of Hurricane  
7 Katrina and which the President has determined, as of  
8 September 14, 2005, warrant individual or public assist-  
9 ance from the Federal Government under such Act.

10 **SEC. 3204. AUTHORITY TO WAIVE REQUIREMENTS DURING**  
11 **NATIONAL EMERGENCIES WITH RESPECT TO**  
12 **EVACUEES FROM AN EMERGENCY AREA.**

13 (a) IN GENERAL.—Section 1135(g)(1) of the Social  
14 Security Act (42 U.S.C. 1320b–5(g)(1)) is amended by  
15 adding at the end the following:

16 “Any geographical area in which the Secretary de-  
17 termines there are a significant number of evacuees  
18 from an area that is considered to be an emergency  
19 area under the preceding sentence shall be consid-  
20 ered to be an ‘emergency area’ for purposes of this  
21 section.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall take effect as if enacted on August  
24 28, 2005.

1   **SEC. 3205. EMERGENCY ASSISTANCE TO MEDICARE BENE-**  
2                   **FICIARIES.**

3       (a) EXCLUSION OF DRM COVERAGE PERIOD IN  
4   COMPUTING MEDICARE PART B LATE ENROLLMENT PE-  
5   RIOD.—In applying the first sentence of section 1839(b)  
6   of the Social Security Act (42 U.S.C. 1395r(b)) in the case  
7   of an individual who, on any day during the week pre-  
8   ceding August 28, 2005, had a residence in a direct im-  
9   pact parish or county, there shall not be taken into ac-  
10   count any month any part of which is within the DRM  
11   coverage period.

12       (b) WRITTEN PLAN ON TRANSITION OF CERTAIN  
13   FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS TO PRE-  
14   SCRIPTION DRUG COVERAGE UNDER MEDICARE PART  
15   D.—Not later than December 1, 2005, the Secretary of  
16   Health and Human Services shall submit to Congress a  
17   written plan on how the Secretary will provide for the  
18   transition of coverage of prescription drugs for full-benefit  
19   dual eligible individuals (as defined in section 1935(c)(6)  
20   of the Social Security Act (42 U.S.C. 1396u–5(c)(6)) who,  
21   on any day during the week preceding August 28, 2005,  
22   had a residence in a direct impact parish or county, from  
23   the medicaid program under title XIX of such Act to the  
24   medicare program under part D of title XVIII of such Act.

1 **SEC. 3206. RELIEF FOR HOSPITALS LOCATED IN A DIRECT**  
2 **IMPACT PARISH OR COUNTY.**

3 (a) INCREASE IN MEDICARE PAYMENTS TO HOS-  
4 PITALS FOR BAD DEBT.—During the DRM coverage pe-  
5 riod, section 1861(v)(1)(T)(iv) of the Social Security Act  
6 (42 U.S.C. 1395x(v)(1)(T)(iv)) shall be applied by sub-  
7 stituting “0 percent” for “30 percent” with respect to—

8 (1) a hospital located in a direct impact parish  
9 or county; and

10 (2) any other hospital, but only to the extent  
11 that the bad debt is related to items and services  
12 furnished to an individual who, on any day during  
13 the week preceding August 28, 2005, had a resi-  
14 dence in a direct impact parish or county.

15 (b) WAIVER OF CERTAIN MEDICARE QUALITY RE-  
16 PORTING REQUIREMENTS FOR HOSPITALS.—During the  
17 DRM coverage period, section 1886(b)(3)(B)(vii) of the  
18 Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(vii))  
19 shall not apply to a hospital that is located in a direct  
20 impact parish or county.

21 **SEC. 3207. DISASTER RELIEF FUND.**

22 (a) ESTABLISHMENT.—There is established on the  
23 books of the Treasury the Disaster Relief Fund (in this  
24 subsection referred to as the “Fund”) which—

1           (1) shall be administered by the Secretary of  
2       Health and Human Services (in this subsection re-  
3       ferred to as the “Secretary”); and

4           (2) shall consist of amounts made available  
5       under subsection (f).

6       (b) USE OF AMOUNTS IN FUND.—Amounts in the  
7       Fund shall be used by the Secretary for the following:

8           (1) PAYMENTS TO PROVIDERS.—The Secretary  
9       shall make payments directly to medicaid providers  
10      described in subsection (c) to offset costs incurred  
11      by such providers as a result of Hurricane Katrina.

12          (2) PAYMENTS FOR PRIVATE HEALTH INSUR-  
13      ANCE COVERAGE.—The Secretary shall make pay-  
14      ments to State insurance commissioners for the pur-  
15      pose of making payments to health insurance  
16      issuers—

17           (A) on behalf of individuals that would  
18      otherwise qualify for DRM assistance from the  
19      State under section 3202 for such individual’s  
20      share of their health insurance premium; and

21           (B) on behalf of qualified employers for  
22      the employer share of their employee’s health  
23      insurance premiums, but only with respect to  
24      the days on which the employer meets the defi-  
25      nition under subsection (d).

1 (c) MEDICAID PROVIDERS DESCRIBED.—For pur-  
2 poses of subsection (b)(1), medicaid providers described  
3 in this paragraph are—

4 (1) any provider under title XIX of the Social  
5 Security Act) that, during a period after August 28,  
6 2005, as determined by the Secretary—

7 (A) that has a significant increase (as de-  
8 termined by the Secretary of Health and  
9 Human Services) in the percentage of patients  
10 who are eligible for medical assistance under a  
11 State plan approved under title XIX of the So-  
12 cial Security Act or provided with uncompen-  
13 sated care; or

14 (B) that experiences a significant drop in  
15 patient caseload (as determined by the Sec-  
16 retary); and

17 (2) any other provider determined appropriate  
18 by the Secretary.

19 (d) QUALIFIED EMPLOYER DEFINED.—For purposes  
20 of subsection (b)(2), the term “qualified employer” means  
21 any employer—

22 (1) which conducted an active trade or business  
23 on August 28, 2005, in a Hurricane Katrina dis-  
24 aster area; and

1           (2)(A) with respect to whom the trade or busi-  
2           ness described in subparagraph (A) is inoperable on  
3           any day during the DRM coverage period as a result  
4           of damage sustained in connection with Hurricane  
5           Katrina; or

6           (B) with respect to whom the trade or business  
7           described in subparagraph (A) is not paying salary  
8           or benefits to employees on any day during the  
9           DRM coverage period as a result of damage sus-  
10          tained in connection with Hurricane Katrina.

11          (e) EXPEDITING IMPLEMENTATION.—The Secretary  
12          shall promulgate regulations to carry out this section  
13          which may be effective and final immediately on an in-  
14          terim basis as of the date of publication of the interim  
15          final regulation. If the Secretary provides for an interim  
16          final regulation, the Secretary shall provide for a period  
17          of public comments on such regulation after the date of  
18          publication. The Secretary may change or revise such reg-  
19          ulation after completion of the period of public comment.

20          (f) APPROPRIATION.—Out of any money in the  
21          Treasury not otherwise appropriated, there is appro-  
22          priated to the Fund \$800,000,000 for fiscal year 2005,  
23          to remain available until expended.

1 **SEC. 3208. EMERGENCY DESIGNATION.**

2       Each amount provided in this subtitle is designated  
3 as an emergency requirement pursuant to section 402 of  
4 H. Con. Res. 95 (109th Congress).